GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:4053
ANSWERED ON:14.12.2000
ENGAGEMENT OF PRIVATE COUNSEL IN GOVERNMENT CASES
VSM (RETD.) COL. CHOUDHARY

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the Government have banned engagement of all Private Counsel for Government litigation and in all such cases the services of Law Officers or Panel Counsel or Standing Counsel are to be utilized;

(b) if so, the details thereof;

(c) whether the Government have ordered cancellation of engagement of all Private Counsels engaged without Approval of Law Ministry during August, 1990;

(d) if so, whether some of the Government Departments particularly C-DOT have violated Law Minister`s orders and engaged civil Private Counsels at heavy monthly remuneration, besides other expenses and facilities;

(e) if so, the action taken by the Government in this regard; and

(f) if not, the reasons therefore ?

Answer

MINISTER OF LAW, JUSTICE & COMPANY AFFAIRS AND SHIPPING (SHRI ARUN JAITLEY)

(a) to (c) By Office Memorandum dated 6th August 1990 the Government directed all the Ministries/Departments to cancel forthwith the engagement of all private Counsels and to engage in all such cases the services of Law Officers or Panel Counsels or Standing Counsels as the case may be, as per the terms & conditions applicable to them. However in certain important cases especially in which high stakes are involved, engagement of private Counsels has been approved on the recommendation of concerned Ministries/Departments. The procedure for engagement of private counselsfor conducting the Government cases is that the proposal has to be first approved by the Minister In charge of the concerned Ministry and then by theMinister of Law, Justice & Company Affairs.

(d) Government Departments are following the orders contained in Office Memorandum dated 6th August 1990.C-DOT is an Autonomous Society Registered under Registration Act 1860 and is working in accordance with its Rules,Regulations and Bye-laws and the Office Memorandum dated 6th August 1990 is not applicable to C-DOT

(e) & (f) In view of reply to part (d) of the question, parts (e) & (f) of the question do not arise